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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,520	09/24/2001	Hiroshi Nomura	P21185	5319

7055 7590 12/22/2003

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EXAMINER

THOMPSON, TIMOTHY J

ART UNIT PAPER NUMBER

2873

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,520

Applicant(s)

NOMURA ET AL.

Examiner

Timothy J Thompson

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 10-15 and 18-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 06/2003
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 8, 9, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Betensky(U.S. Patent No. 3,833,228).**

Regarding claim 8, Betensky discloses a front sub-lens group frame that mounts a front sub-lens group(fig 1, 36 and the part of the frame making contact with the 2 and 3 lens), and including a front sub-lens group positioning surface facing forward that contacts a rear surface of the front sub-lens group upon insertion thereof(fig 1); a rear sub-lens group frame that mounts a rear sub-lens group(fig 1, the parts of the frame which come in contact with the lens 4-6), and including a rear sub-lens group positioning surface facing rearward that contacts a front surface of the rear sub-lens group upon insertion thereof(fig 1); said front and rear sub-tens group frames moving relative to each other in the optical axis direction between a mutually close determined distance and a mutually distant determined distance(col 2, lines 1-40 and fig 3), and being held in direct engagement in the optical axis direction during such movement, wherein an accumulated deviation in said mutually close determined distance and said mutually distant determined distance includes only deviations of (i) said front sub-lens group positioning surface, (ii) said rear sub-lens group positioning surface and (iii) said direct engagement of said front and rear sub-lens group frames(fig 3 indicates that the lens are held at fixed distances while zooming).

Regarding claim 9, Betensky discloses said front sub-lens group frame includes a front sealed region in the front end portion thereof, said front sealed region sealing the front sub-lens group in said front sub-lens group frame; and wherein said rear sub-lens group frame includes a rear sealed region in the rear end portion thereof, said rear sealed region sealing the rear sub-lens group in said rear sub-lens group frame(fig 1).

Regarding claim 16, Betensky discloses a front sub-lens group frame that mounts a front sub-lens group, and including a front sub-lens group positioning surface facing forward that contacts a rear surface of the front sub-lens group upon insertion thereof(fig 1, 36 and the part of the frame making contact with the 2 and 3 lens); a rear sub-lens group frame that mounts a rear sub-lens group, and including a rear sub-lens group positioning surface facing rearward that contacts a front surface of the rear sub-lens group upon insertion thereof(fig 1, the parts of the frame which come in contact with the lens 4-6); said front sub-lens group frame directly engaging said rear sub-lens group frame in the optical axis direction(fig 1), so that there is only one direct engagement in the optical axis direction between said front sub-lens group positioning surface and said rear sub-lens group positioning surface, and the accumulation of deviation in a determined distance between said front sub-lens group positioning surface and said rear sub-lens group positioning surface is thereby reduced, wherein said front sub-lens group frame and said rear sub-lens group frame move relative to each other in the optical axis direction and are held in said direct engagement during such movement(fig 3 indicates that the lens are held at fixed distances while zooming).

Regarding claim 17, Betensky discloses, wherein said front sub-lens group frame includes a front sealed region in the front end portion thereof, said front sealed region sealing the front sub-lens group in said front sub-lens group frame; and wherein said rear sub-lens group frame includes a rear sealed region in the rear end portion thereof, said rear sealed region sealing the rear sub-lens group in said rear sub-lens group frame(fig 1).

***Allowable Subject Matter***

Claims 10-15 and 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-7 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art taken either singularity or in combination fails to anticipate or fairly suggest the limitations of the independent claim, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 1, with the allowable feature being the rear and front frame engaging portions. Therefore claims 1-7 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 2873

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Thompson whose telephone number is (703) 305-0881. If the examiner can not be reached his supervisor, Georgia Epps, can be reached on (703) 308-4883.

T.J.T.

12/9/03

  
**Georgia Epps**  
**Supervisory Patent Examiner**  
**Technology Center 2800**